

June 30, 2025

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VIA ECF

Hon. Naomi Reice Buchwald  
U.S. District Court, S.D.N.Y.

Re: *TrackMan, Inc. v. GSP Golf AB, et al.*, No. 1:23-cv-598

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Your Honor,

I represent defendants Chad Cooke and SimulatorGolfTour LLC (together, the “SGT Defendants”). The SGT Defendants respectfully join the GSPro Defendants’ application to compel plaintiff Trackman Inc., (“TrackMan”) to search the email files of three senior executives for documents relevant to its damages claim (Doc. 90), and as particularly relevant to the SGT Defendants request that TrackMan be compelled to search those senior executives’ emails for the terms “SGT” and “Cooke.”

By way of background, the SGT Defendants ran Perfect Golf tournaments in collaboration with plaintiff Trackman for approximately 6 months in 2020, but when Trackman ceased offering Perfect Golf in August 2020 the SGT Defendants then starting running tournaments for defendant GSPro using the same API it had used with Trackman. Trackman is now suing the SGT Defendant for alleged copyright infringement and false advertising, and Trackman has disclosed that its alleged damages are \$30 million.

The SGT Defendants, admittedly, were spectators to the prior meet-and-confer efforts between Trackman and the GSPro defendants’ on this issue. However, the GSPro Defendants’ compelling arguments in their letter to the court – especially the second full paragraph on page 2 concerning Trackman’s revenues in relation to its alleged damages (which was not previously known to the SGT Defendants) – now lead the SGT Defendants to join in the request to search these three executives’ emails.

Additionally, following the GSPro Defendants’ filing of their letter, Trackman’s lawyer emailed counsel that “[h]ad the GSP Defendants actually made this offer [to search a single keyword, “GSPro”], instead of insisting that TrackMan run all of the ESI search terms on its high-level executives’ files, this dispute likely could have been resolved months ago.” In other words, Trackman would not have objected to searching these three executives’ emails for a single search term (one of the defendant’s names). I thereafter asked Trackman’s counsel whether Trackman would search the three subject custodians for “SGT” and “Cooke,” but in response, rather than address the substantive issue and its position that searching for a party’s name would have

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resolved the issue, Trackman asserted that the SGT Defendants' were too late to make the request. Respectfully, this is still an open-issue, it does not appear to be too burdensome to add "SGT" and "Cooke" to a search if Trackman is already willing to search for "GSPro," and relying on deadlines rather than addressing the substantive issue begs the question what Trackman is trying to avoid disclosing. I also note that due to the ongoing rolling document productions (to date, the SGT Defendants have produced more than 8,000 documents consisting of more than 21,000 pages, and will make their last production this week), all counsel had recently discussed the potential of jointly requesting an extension of time for fact discovery in this case, and all parties have asserted their reservation of rights to make additional requests as discovery progresses.

Lastly, Trackman's letter takes pains to characterize the three ESI custodians as executives of its foreign parent company. Doc. 91. However, in addition to Trackman's assertion that the issue would be resolved with limiting the search terms, the foreign parent is referenced throughout Plaintiff's amended complaint [Doc. 32, ¶¶ 12, 31, 36-38, 40, 57] and Plaintiff's initial disclosures vaguely identify "Additional individuals at TrackMan" with information about Plaintiff's alleged damages.

For the reasons stated in the GSPro Defendants' letter, and Trackman's subsequent assertion that the issue would have been resolved if the email search was limited to a defendant's name, the SGT Defendants' join the GSPro Defendants' request, and ask that the executives' emails be searched for "Cooke" and "SGT."

Respectfully,

/s/ Jordan Greenberger  
Jordan Greenberger, Esq.